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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,296	11/16/2000	Larry Perrault	45197.2	3706

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/713,296

**Applicant(s)**

PERRAULT ET AL.

**Examiner**

Phi D A

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/25/04 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Line 4 “ may be fastened...” is indefinite as it confuses the scope of the claim.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17, 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kost (6047503).

Kost (figure 12) shows an improved roof truss comprising a bottom chord (6), a bottom plate (2A) disposed underneath and substantially parallel to the bottom chord, means (7) for attaching the bottom plate to the bottom chord, spacers (figure 6, the part located between parts 6 and 1A and connecting the two sides of the H-shaped), disposed between the bottom plate and the bottom chord which create a thermal gap between the bottom plate and the bottom chord, a strap (figure 12) located at the intersection of the bottom plate and an interior partition wall, the strap passing between bottom plate (2A) and the bottom chord (6), the strap may be fastened to the interior partition wall wherein fasteners can be driven through the planar member on either side of the bottom plate so as to attach the bottom plate to the interior partition wall, the strap being metal.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (1444798) in view of Kost (6047503).

Laughlin (figure 1) shows an improved roof truss comprising a bottom chord (10'), a top chord (26) and at least two intermediate members creating a triangular shape with one of the top or bottom chords, a bottom plate (10) disposed beneath and substantially parallel to the bottom chord.

Laughlin does not shows means for attaching the bottom plate to the bottom chord which allows separation of the bottom plate from the bottom chord when the bottom plate is attached to an interior partition wall and the roof truss rises relative to the interior partition wall, the means being a plurality of connectors, the connectors being removable and frangible, the connectors are gang plates, the connectors comprise a plurality of wood fasteners and hangers having a plurality of holes, the wood fasteners being driven through the holes in the hangers into the bottom plate, the bottom chord or both, the hangers being frangible, the hangers having a perforation disposed in such a way that if the hanger is severed at the perforation the hanger and fasteners will no longer act to attach the bottom plate to the bottom chord, the hangers being H-shaped, the hangers being U-shaped, the hangers being metallic wrap-around hangers.

Kost shows means(7, figure 6) for attaching the bottom plate to the bottom chord, the means being connectors (7), the connectors being removable (only fastened by fasteners 25A, 25C) and frangible(inherently so as the connectors having holes along the sides), the connectors being gang plates, the connectors comprise a plurality of wood fasteners (25A, 25C, inherently wood fasteners as they connect wood parts together) and hangers having a plurality of holes, the wood fasteners being driven through the holes in the hangers into the bottom plate, the bottom chord or both, the hangers being frangible, the hangers having a perforation(7A) disposed in such a way that if the hanger is severed at the perforation the hanger and fasteners will no longer act to attach the bottom plate to the bottom chord, the hangers being H-shaped (7), the hangers being U-shaped (8), the hangers being metallic wrap-around hangers.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Laughlin's structure to show means for attaching the bottom plate to the

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bottom chord, the means being connectors (7), the connectors being removable and frangible, the connectors being gang plates, the connectors comprise a plurality of wood fasteners and hangers having a plurality of holes, the wood fasteners being driven through the holes in the hangers into the bottom plate, the bottom chord or both, the hangers being frangible, the hangers having a perforation disposed in such a way that if the hanger is severed at the perforation the hanger and fasteners will no longer act to attach the bottom plate to the bottom chord, the hangers being H-shaped, the hangers being U-shaped, the hangers being metallic wrap-around hangers as taught by Kost because it enables the secured connection of the bottom plate to the bottom chord which results in a stable and strong roof structure.

Laughlin as modified inherently shows the roof structure allows for the separation of the bottom plate from the bottom chord when the bottom plate is attached to an interior partition wall and the roof truss rises relative to the interior partition wall, the connectors being slidably attached to the bottom plate and roof truss (inherently so as the connector is slid between the structures before fastening).

3. Claims 1-2, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (1444798) in view of Thompson (6094880).

Laughlin (figure 1) shows an improved roof truss comprising a bottom chord (10'), a top chord (26) and at least two intermediate members creating a triangular shape with one of the top or bottom chords, a bottom plate (10) disposed beneath and substantially parallel to the bottom chord.

Laughlin does not shows means for attaching the bottom plate to the bottom chord which allows separation of the bottom plate from the bottom chord when the bottom plate is attached to

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an interior partition wall and the roof truss rises relative to the interior partition wall, the means being a plurality of connectors, the connectors are fasteners driven through the bottom plate into the bottom of the bottom chord.

Thompson shows means (col 7 lines 14-17) for attaching the bottom plate to the bottom chord, the means being a plurality of connectors, the connectors are fasteners (nails) driven through the bottom plate into the bottom of the bottom chord

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Laughlin's structure to show means for attaching the bottom plate to the bottom chord, the means being connectors (7), the connectors are fasteners driven through the bottom plate into the bottom of the bottom chord as taught by Thompson because it enables the secured connection of the bottom plate to the bottom chord which results in a stable and strong roof structure.

Laughlin as modified inherently shows the roof structure allows for the separation of the bottom plate from the bottom chord when the bottom plate is attached to an interior partition wall and the roof truss rises relative to the interior partition wall.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (1444798) in view of Kost (6047503) as applied to claim 11 above and further in view of Boozer (5743063).

Laughlin as modified shows all the claimed limitations except for the holes being vertically slotted holes.

Boozer discloses slotted holes (figure 8C) for connecting a hanger (89) to other structural members.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Laughlin's modified structure to show the holes being vertically slotted holes as taught by Boozer because it would have been an obvious matter of engineering design choice to have the holes being vertically slotted holes since applicant has not disclosed that the vertical slotted holes solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with just holes.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (1444798) in view of Kost (6047503).

Laughlin (figure 1) shows an improved roof truss comprising a bottom chord (26), a bottom plate (10) disposed underneath and substantially parallel to the bottom chord, spacers (10') disposed between the bottom plate and the bottom chord which create a thermal gap between the bottom plate and the bottom chord.

Laughlin does not show means for attaching the bottom plate to the bottom chord.

Kost shows means (7) for attaching the bottom plate to the bottom chord.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Laughlin's structure to show means for attaching the bottom plate to the bottom chord as taught by Kost because it enables the secured connection of the bottom plate to the bottom chord which results in a stable and strong roof structure.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows roof structural designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136, or 571-272-6864 only after April 07, 2005. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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2/5/05